

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Licensed Professional Counselors Board of Examiners

Practice of Mental Health Counseling for  
Serious Mental Illnesses (LAC 46:LX.505)

The Louisiana Department of Health and Hospitals, Louisiana Professional Counselors Board of Examiners has exercised the emergency provisions of the Administrative Procedures Act, specifically R.S. 49:953(B), to adopt rules relative to the Practice of Mental Health Counseling, to be designated Section 505 of the board rules. This Emergency Rule containing all new material, is effective July 1, 2011, and will remain in effect for a period of 120 days.

This action is necessary due to the immediate effect of Act 320 of 2011, which places additional duties on Louisiana Professional Counselors who treat serious mental illnesses. Because Act 320 was effective on June 28, 2011 upon the governor's signature, and because of the substantive changes made, there is insufficient time to promulgate these rules under the usual Administrative Procedures Act rulemaking process. However, a Notice of Intent to adopt a permanent rule will be promulgated in connection with the proposed adoption of emergency rules on this subject.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LX. Licensed Professional Counselors Board of Examiners

##### Subpart 1. Licensed Professional Counselors

##### Chapter 5. License and Practice of Counseling

##### §505. Serious Mental Illnesses

A. Introduction. Act 320 of the 2011 Regular Session of the Louisiana Legislative amended the Louisiana Professional Counselors Practice Act as follows.

1. *Mental Health Counseling Services*—rendering or offering prevention, assessment, diagnosis, and treatment, which include psychotherapy, of mental, emotional, behavioral, and addiction disorders to individuals, groups, organizations, or the general public by a licensed professional counselor, which is consistent with his professional training as prescribed by R.S. 37:1107(A)(8), and code of ethics/behavior involving the application of principles, methods, or procedures of the mental health counseling profession.

2. However, an LPC may not assess, diagnose, or provide treatment to any individual suffering from a serious mental illness unless that individual is under the active care of a practitioner who is licensed by the State Board of Medical Examiners and is authorized to prescribe medications in the management of psychiatric illness and only in the context of an ongoing consultation and collaboration with that practitioner.

B. Applicability. The requirement for collaboration and consultation set forth above shall apply only if any of the following conditions are assessed, diagnosed, or treated by the counselor:

1. schizophrenia or schizoaffective disorder;
2. bipolar disorder;
3. panic disorder;
4. obsessive-compulsive disorder;
5. major depressive disorder;

6. anorexia/bulimia;
7. intermittent explosive disorder;
8. autism;
9. psychosis NOS (not otherwise specified) when diagnosed in a child under seventeen years of age;
10. Rett's disorder;
11. Tourette's disorder;
12. dementia.

#### C. Definitions

1. As used herein *ongoing consultation and collaboration*—upon the initial diagnosis of a serious mental illness, the counselor shall initiate contact with the medical practitioner for the purpose of communicating the diagnosis and plan of care. The counselor will provide information to the medical practitioner regarding client progress as conditions warrant. Ongoing consultation and collaboration, for purposes of these rules and otherwise, shall not be construed as supervision. Further, “ongoing consultation and collaboration does not include the transfer between the consulting professionals of responsibility for the client's care or the ongoing management of the client's presenting problem(s).

2. As used herein *active care*—the individual has or agrees to maintain or initiate a relationship with a practitioner who is licensed by the Louisiana State Board of Medical Examiners.

D. Effect on Existing Rules. All existing rules or parts thereof are hereby superceded and amended to the extent that they specifically conflict with these emergency rules. Existing Board rules shall be revised and re-codified at such time as the final Board rules implementing Act 320 are adopted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1105(D).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 37:

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Executive Director

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